

Application No.: 10/536,790  
Amendment dated: October 4, 2006  
Reply to Office Action of July 11, 2006

### **REMARKS/ARGUMENTS**

This amendment is responsive to the Office Action dated July 11, 2006. Applicant would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. Claims 23-44 were previously pending in the application. Claims 32-35 and 41-44 are allowed, Claims 23-26 and 36 are rejected, and Claims 27-31 and 37-40 are objected to. Applicant has canceled Claim 36. Applicant has amended Claims 23-25, 34, 35, and 37 to more accurately recite the subject matter of the present invention. It is respectfully submitted that in light of the claim amendments and the remarks below, all of the claims are now in condition for allowance.

#### **Amendment to the Specification**

Applicant has amended paragraph [0002] of the present application to remove the reference to claim 1, which was previously canceled. Applicant has additionally requested that the heading "SUMMARY OF THE INVENTION" be inserted between paragraphs [0004] and [0005], which was inadvertently omitted from the substitute specification filed with the USPTO on May 26, 2005. Furthermore, paragraphs [0006], [0010], [0011], and [0012] have been amended to remove the device "mentioned at the beginning."

#### **Rejections Under 35 U.S.C. § 102(b) as being anticipated by the Ray '225 patent**

Claims 23-26 and 36 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,009,225 to Ray et al. ("the Ray '225 patent"). The Office Action alleges that the Ray '225 patent discloses every element and limitation found in the claims. Applicant has canceled Claim 36. To the extent that this rejection would be applied against amended Claim 23, and Claims 24-26 that depend therefrom, Applicant respectfully traverses.

The Office Action on page 3 states that the Ray '225 patent discloses a device for storing and handling optical waveguides comprising a frame and including fiber guiding elements for optical fibers fastened to at least one vertically running narrow side of the frame. As shown in Figure 2 of the Ray '225 patent, a mounting member 60 of the splice closure 25 includes

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"portions for routing and securing buffer/transport tubes, as well as individual fibers." (column 6, lines 1-3). Figure 2 illustrates that the "portions" are standard inwardly extending tabs that extend generally inwardly from the vertically running narrow sides of the frame or mounting member. These "portions" are generally equivalent to the inwardly extending tabs 42 of the first organizer trays 37 (see Figure 4) and to the inwardly extending tabs 54 of the slack storage tray 50 (see Figure 3). These inwardly extending tabs of the Ray '225 patent simply keep the buffer/transport tubes or individual fibers generally within the interior of the respective mounting member, first organizer tray, or slack storage tray.

Applicant has amended independent Claim 23 to more specifically recite the fiber guiding elements as generally extending in an outward direction relative to the frame. Support for this amendment is provided at least by Figures 4-9 and 23-25 of the present application. Applicant respectfully submits that the fiber guiding elements generally extending in an outward direction relative to the frame of amended Claim 23 are not anticipated by the inwardly extending tabs of the Ray '225 patent. More specifically, the fiber guiding elements generally extending in an outward direction relative to the frame of Claim 23 enable the tubes and/or fibers to be routed generally about the exterior of the frame, whereas the inwardly extending tabs of the Ray '225 patent require the tubes and/or fibers to be routed generally within the interior of the frame, thus providing less convenient access to the tubes and/or fibers as compared to the present invention. The device of amended Claim 23 provides an alternative structure with superior performance that is not anticipated by the Ray '225 patent.

Furthermore, Applicant respectfully submits that not only does the Ray '225 patent fail to disclose or suggest the fiber guiding elements generally extending in an outward direction relative to the frame of amended Claim 23, but the Ray '225 patent actually teaches away from the use of fiber guiding elements generally extending in an outward direction relative to the frame because the Ray '225 patent discloses using interior surfaces of the mounting member, first organizer tray, and/or slack storage tray to assist in retaining the tubes and/or fibers such that any generally outwardly extending fiber guiding elements would be superfluous. Accordingly, Applicant further submits that the device for storing and handling optical waveguides of Claim 23 would not have been obvious to one skilled in the art at the time of the invention in light of the Ray '225 patent. For at least these reasons, Applicant respectfully

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submits that Claim 23, and Claims 24-26 that depend therefrom, are not anticipated by the Ray '225 patent. Accordingly, Applicant respectfully requests that the rejections of Claims 23-26 be withdrawn.

#### **Allowable Subject Matter**

Claims 27-31 and 37-40 are objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In addition, Claims 32-35 and 41-44 are allowed. Applicant would like to express appreciation for the indication of allowable subject matter.

Applicant has amended Claim 37 to include all of the limitations of Claim 36, which has been canceled, and Claims 38-40 all depend from Claim 37; therefore, Applicant respectfully submits that the objections to Claims 37-40 have been accordingly overcome. In light of the amendment to Claim 23 and arguments presented above with respect to the Ray '225 patent, Applicant has respectfully decided to not rewrite Claims 27-31 and 37-40 in independent form as Applicant believes the claims from which Claims 27-31 depend are allowable and that Claims 27-31 are likewise allowable in their present form.

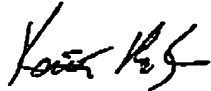
#### **Conclusion**

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Doan is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-2167.

Respectfully submitted,




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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273-8300 on the date shown below.

  
Debra Michelle Clark

10/4/06  
Date